

Township Of Chatham      Zoning Board of Adjustment  
Work Meeting                      July 23, 2015

Mr. Vivona called the Meeting to Order at 7:30 P.M with the reading of the Open Public Meetings Act.

## Roll Call:

Mr. Vivona	Mrs. Kenny	Mr. Weston	Mr. Williams	Mrs. Romano
Mr. Styple	Mr. Borsinger	Mr. Hyland, Alt. 2		

**Professionals Present:** Steven Shaw, Attorney  
John Ruschke, Engineer  
Robert Michaels, Planner

## Minutes: May 21st

Motion made by Mr. Williams seconded by Mr. Borsinger to accept the minutes as presented. All in Favor

## Memorialization:

**Mrs. Katye Stanzak**  
6 Country Club Drive  
Block: 102.03 Lot: 3

**Calendar BOA 14-14-102.03-3**

Mr. Shaw said there was a draft Resolution circulated to the members for review. If there are no comments or revisions it would be appropriated for the Board to entertain a motion to adopt the Resolution as distributed.

A motion was made by Mr. Hyland seconded Mrs. Romano by to approve the Resolution as Submitted.  
Roll Call. Mr. Vivona, Mr. Weston, Mrs. Romano, Mr. Styple, Mr. Hyland, Alt. 2 All in Favor

### Extension Request:

**Mariam Vaziri**  
43 Susan Drive  
Block: 20 Lot: 15.

**Calendar BOA 15-20-15**

**Golden River Homes, Llc**  
11 Sunset Drive  
Block: 61 Lot: 16

**Calendar BOA 14-61-16**

Mr. Shaw advised the public that if anyone was present for these hearings they will be carried to the August 20<sup>th</sup> without further legal notice

**Hearings:**

**Ed Triano**  
16 Pine Street,  
Block: 85 Lot: 34.

**Calendar BOA 15-85-34**

Ed Triano, applicant  
Tony Andreas, Architect

David Miller, Attorney asked Mr. Triano to explain to the Board who the owner of the property is.

Mr. Triano said it was a partnership and he was the managing partner/member.

Mr. Miller asked Mr. Andres to describe to the Board what was on the property.

Mr. Andreas said there was currently a modified cape with a garage connected to the main residence by an existing breeze way. There is a kitchen, bathroom, bedroom to the rear. In the front of the house we have an existing dining room and living room. Upstairs there are two bedrooms and a bath. This lot is undersized which causes a hardship and requests for variance. We should have a required 20,000 sf. lot but we have 9,015. The front yard setback is required to be ninety feet and we have seventy five feet. The lot depth is a required 200 and we have 118 ft. He referred to A8 which showed the property and existing structure. You can see that most of the house is pre-existing. There is portico (an architectural feature) as well as shelter from the awnings as you are awaiting entrance into the home. The left hand side needs a variance 7.5 ft. You will notice that we are not increasing the pre-existing non-conforming structure but are only adding to the second story. At the front a portico has been added thereby increasing that 12 yard setback by 3.1 ft. on the right hand side. This is also an irregularly shaped lot.

Mr. Miller summarized that there is a front yard setback that the only increase is 3.1 ft. With regard to the right side setback we are seeking a variance of 5.5 ft. because of the irregular shape of the lot.

Mr. Andreas noted that one of the things the Board will see when we stake it out, even though it's a severely undersized lot, we are not going for any coverage variances which is usually a strong indicator of what we are building of the house being too large on the lot. The plans show the existing footprint. To give you a better understanding he showed a photo of the property/house. He described the improvements they proposed. The addition to the back is approx. 7.5 ft. which doesn't require a variance but one was needed for a corner in the rear of the house due to the irregular lot line. All the other variances have to do with the pre-existing conditions. If we eliminated the front portico then we just need the one but we felt this was much more aesthetically pleasing.

Mr. Vivona asked if it was possible to do the portico with a curve molding instead of fillers.

Mr. Andreas said it should be able to be done with some sort of a bracket design. When questioned about the deck Mr. Andres believed, because of the height off the ground, is now considered the principal structure and will require a rear yard variance as well.

Mr. Hyland asks if Pine Street is by the High School. Mr. Andres - Yes

Mr. Shaw asked Mr. Miller to draft a letter of representation and have the first page of the application corrected to reflect LLC.

Mr. Vivona said that you would have to outline the back corner, portico and deck. Site Visit will be scheduled for August 1<sup>st</sup> 9 a.m. It was noted that some Board members would not be available that day and applicant was asked if the property could remain staked so these Board members could go a different day.

**Jeff Morgan**  
58 Lisa Drive  
Block: 35 Lot: 15

**Calendar BOA 15-35-15**

Site Visit Report of July 11, 2015 was read into the record by Mr. Vivona.

Mr. Vivona said the thing we need to point out is the variance you are looking for is only temporary. Everything else within the back yard is within code and in line with the neighbors in that same area. We did ask you to think about saving the one tree and there seemed to be no issues with the others. He asked if any of the other members had anything else that they would like to ask.

Mr. Borsinger questioned the super silt fence.

Mr. Morgan said he had not requested to use super silt fencing but it was suggested. We will probably have bales of hay instead of the super silt fence.

Mr. Ruschke – if everything goes smoothly hay would probably be ok however we do have these steep slope applications we always have the potential for a contractor who may not follow the plans exactly. His preference with steep slopes is to always have a silt fence to reinforce in case there may be a significant storm/rain the Super silt fence has the capacity to hold the water back because there tends to be a high velocity with the steep slopes. His preference is to keep in for that specific reason. The cost should not be that substantial.

Mr. Vivona noted that there have been many issues with drainage so I would have to agree with Mr. Ruschke.

Mr. Morgan said the only other request I had was the scour hole. He asked if it could be made deeper as opposed to wider.

Mr. Ruschke thought it would be alright.

Mr. Vivona asked if the applicant would consider as a condition of approval that a revised drainage plan be submitted and approved by Mr. Ruschke.

Mr. Morgan – agreed.

Mrs. Kenny asked for a description of what was proposed for the scour hole and Mr. Morgan explained the process. He also explained what he would be doing to minimize the disturbance going down the steep slope. She also questioned the one tree that they had requested keeping. MR. Morgan said he had spoken to his engineer who doesn't think it will survive. Even if it did survive he still had concerns that it will cast too much shade over the rest of the back yard.

Mr. Vivona asked Mr. Ruschke, in terms of the types of trees for replacement, is red maple fairly standard tree to use in this area.

Mr. Ruschke said the ordinance has a list of recommended trees and he thinks this is one that is recommended.

Mr. Shaw listed the various replacement trees shown in the ordinance. Discussion ensued.

Mr. Vivona asked for further comments from the Board/Public. None Heard.

Mr. Williams moved to approve the variance with the conditions mentioned (submission of revised drainage calculations, revised drainage design concerning the scour hole, replacement tree in accordance with the Township Ordinance). Seconded by Mr. Borsinger.

Roll Call: Mrs. Kenny, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Styple, Mr. Borsinger, Mr. Hyland, Mr. Vivona All in Favor

Applicant was advised that the Resolution would be available at the next regular meeting.

**Mr. & Mrs. Velazquez**  
151 Meyersville Road  
Block 15 Lot 5.02

**Calendar BOA 15-35-5.02**

Site Report Read into the Record by Mrs. Kenny.

Applicant said they were going to go with the plans as submitted. Portico was discussed.

Mr. Vivona thought this was pretty straight forward. The front yard setback is taken from the right of way so the house actually looks further back. The way the road curves some of the houses are closer.

Mr. Shaw noted that this was a hardship application based on the location of the existing structure.

Mrs. Kenny asked what materials were being used. She was advised they would be matching that which is existing.

Construction was discussed and the Board was advised that the footprint of the house was not changing.

Mr. Vivona asked for question/comment from the Board/Public None Heard.

Mr. Williams made a motion to grant approval of the application seconded by Mr. Hyland.

Roll Call: Mrs. Kenny, Mr. Weston, Mr. Williams, Mr. Romano, Mr. Styple, Mr. Borsinger, Mr. Hyland, Mr. Vivona All in favor.

Applicant was advised that the Resolution would be prepared for the next meeting.

**Mr. & Mrs. McEnroe**  
40 School Ave.  
Block: 105 lot: 8.

**Calendar BOA 15-105-8**

Site Visit Read for the record by Mr. Styple.

Mr. Klesse of Klesse, Architect, was not sure if the Board wanted him to run back through the previous testimony. He said he also had Mr. Keller, Planner to testify.

Mr. Vivona asked for a quick overview of the plans for those that weren't here last time.

Mrs. McEnroe thanked the members for coming out to review/see the property. She said they had lived there for about 9 years. They were doing the renovation to maintain their residence in Chatham.

Mr. Klessi said yes. The required setback is 50 ft. No variance is required on the side. They wish to have a more traditional floor plan. They would come in through the garage and mudroom into the kitchen and family room.

Mrs. Kenny wanted to go back as she noticed that the fence was a bit high for a building permit and it was denied.

Mr. Klesse said one could apply for a building permit and get denied because of zoning violations. An appeal can be made for a decision by going to the ZBA.

Mr. R. Keller, Licensed Professional Engineer., (sworn) listed his qualifications. He noted that this property (A9) is located between Spring and Floral Street on the north side of School Ave. It is a corner lot. It is a heavily wooded lot. The property actually is 29,392 sf. – 47% larger than what is required by code in the R3 Zone. The lot is somewhat unique to the neighborhood. For a lot of 20,000 sf lot you expect to see lots up to 200 ft. deep. All of the neighborhood, except for these two lots, have at least 200 ft. if not closer to 400 in depth.. What makes these lot unique is that they were cut off by the 225 ft. easement from the power lines. There is rather dense landscaping along the back of the residential line – the line between the easement and the two properties that back into that easement and front on School Avenue. There is a house facing Floral St. across the street, there are a number of houses facing Floral/Spring St. Our lot is 124 ft. on the left side and 169 ft. on the right for an average depth of about 147 ft. Every other lot is at least 200 ft. and some 300 ft. All the lots on the other side of this easement are in access of 200 ft. The lots across the street are 400 ft. in depth. Even though we are technically an oversized lot there is an open wooded area on the corner and the house is to the left side of the lot. (Exhibit A10 was passed to the Board for their review.

As noted the applicant wishes to construct a two story garage. The second floor had been added. Front porches are just not just functional elements but actually help break down the mass. They provide a layering of space. The columns are open. They greatly improve the appearance. Only two variances are required. The garage increases the setback from the 47.4 to 44.1. He pointed out that the area of deviation of the primary home, first/second floor is 12.5 ft. The garage addition creates a triangular edge and needs a variance. In terms of location the existing structure results in some difficulty. The existing garage, as pointed out, is rather difficult to use. It is narrow and becomes a unusable garage. The applicant seeks to create a more useful garage to house their cars. The decision was made for aesthetic benefits to put the addition back off the front of the house. It was put as far back as possible to get a proper separation from the front line of the building. There was a combination of the existing house was already far back; the lot and its unusual configuration depth. That is what gets us into the rear yard difficulty. The benefits of the proposed clearly outweigh the detriments.

The rear yard setback is a combination of C1 and C2 (primarily C2). C1 is when we try to take the existing mass (47.4) clearly we went thru a lot of gymnastics for 12.5 sf. We think it is better more logic solution to add right over that and that variance is really where the variance is created. In terms of the front yard setback, while the existing house complies, any attempts that articulate that means you will come into the front. He was careful to put it back and not exaggerating the front yard setback. I think the organizing the element of the wrap around presents a vast improvement. It adds character. In terms of C1, the purposes of the Land Use, clearly aesthetics are significantly enhanced by the wrap around porch. We are trying to get a house that fits into the neighborhood. Again there are a lot of wooded areas. The minor entry into the front yard is justified. There is no substantial impairment to the extent/purposes of the zone plan and there is no detriment to the public good.

In terms to the public good, I do not see any detriment. It is a unique area. The proposed will fit further back and the only other house on that side of the street sits significantly higher than us. They all have in excess of fifty foot setbacks so when you are driving up the street you will not even feel the deviation caused by the wrap around porch proposed. There is adequate space. There is no near neighbor behind me. It is a unique condition. There are no neighbors to possibly offend by this addition. There is 225 ft.

to the next property and from there I have another 16 ft. setback. Clearly there is no impact on my closest neighbor who is more than 242 ft. to the property line and 270 ft. from the back of this house.

The garage will be well forward of the furthest one back on the neighboring house. It will be a vast improvement to the public street scape. It will feel like a great Chatham house that's been there for a hundred years. We think that this meets C2-C1 for the two variances requested – front yard and 2 rear yards, one for the first floor and one for the second floor. We ask for your approval.

Mr. Vivona said he did not see where moving the garage forward would change it a lot. It is 72 sf. He did like the way that the diagram looks. Actually he really liked the wrap around porch. It improves the look to that corner. The porch that is there now is basically going to be filled in.

Mrs. Kenny asked that the applicant discuss the first floor plan.

Mr. Keller what was proposed was felt to be more functional.

Mrs. Kenny said she had not seen any landscaping plans. She suggested possibly some shrubs on the side where the garage is. She asked if the applicant had given any thought to that.

Mrs. MacEnroe She actually came out after you left and asked questions. The garage being there does not encroach on the side so it is not close to her. She was very supportive.

Mrs. Kenny asked if the attic space was finished or unfinished. She was advised that it was unfinished and had no bath or bedroom. It is more storage space.

Mr. Vivona referred to the new garage. He was advised that it was on the first floor. Presently it is below. The old garage space will be more storage area.

Mr. Weston felt it was important for Chatham to sustain the existing housing. He felt this was well done.

Mr. Vivona asked for comments/questions from the Board or Public. None Heard. He then asked if anyone wanted to make a motion.

Mr. Hyland made a motion to grant approval of the application with stipulations made regarding evergreens/landscaping/porch enclosure was seconded by Mr. Williams.

Roll Call: Mrs. Kenny, Mr. Weston, Mr. Williams, Mrs. Romano, Mr. Styple, Mr. Borsinger, Mr. Hyland, Mr. Vivona All in favor.

Meeting Adjourned

Respectfully submitted:



Mary Ann Fasano  
Transcribing Secretary

